Haring's research. An introductory chapter sketches briefly the history of the Indies to the beginning of the seventeenth century and explains the cumbrous machinery by which Spain tried to control the commerce of her colonies. Thereafter, the author deals successively with the three great strongholds of piracy, Tortuga, Jamaica, and Hispaniola, from which sailed the fleets that brought ruin to the rich towns of the Main.

In explaining the statecraft that underlay the long immunity of the buccaneers from punishment, Mr. Haring is somewhat general and summary. That they were encouraged by both England and France is clear, and undoubtedly the reasons concerned commerce and the defense of the colonies, but this is not getting below the surface. What accounts for the fact that the Englishmen in the Indies were forced to keep the Peace of 1670, while the Spanish broke it with impunity? Who stood behind the enterprise of the French buccaneers—merely the governors of Hispaniola, or the French West India Company, or the Grand Monarque himself? When the Spanish archives have been investigated this part of the story will be nearer complete. Mr. Haring has had access only to the printed *Colección de Documentos Inéditos,* which for the seventeenth century is little help. It is to be hoped too that more of the French official correspondence will some day be unearthed.

A few minor criticisms and objections present themselves: The author does not seem to discriminate between the expeditions of men-of-war, privateers, and pirates. If the attacks on the Main by Vice-Admiral Goodson and Captain Myngs during Cromwell's war with Spain are regarded as buccaneering, so too must be Admiral Vernon's attempts on Porto Bello and Cartagena in 1739.

Of the French buccaneers Mr. Haring says (p. 240): "They were not ordinary privateers, for they waged war without authority." But on the same page he admits: "The buccaneers almost invariably carried commissions from the governors of French Hispaniola." In which case they *were* privateers, as the word included all sailing under such commissions of reprisal, as well as actual private men-of-war. The tenths of prizes went not to the crown (p. 200) but to the lord high admiral. A quotation covering twenty-five pages from a book as well-known as Esquemeling's *Bucaniers* is a rather unnecessary sacrifice of space.

To quibble on points like these is to admit the excellence of the book. It is beyond question a scholarly and accurate handling of the most dramatic feature in the history of the Indies.

VIOLET BARBOUR.

Acts of the Privy Council of England, Colonial Series. Volume III., A. D. 1720–1745. Edited through the direction of the Lord President of the Council by W. L. GRANT, M.A., Professor of Colonial History in Queen's University, Canada, and James MUNRO, M.A., Beit Lecturer in Colonial History in the University of Oxford, under the general supervision of Sir ALMERIC

W. FITZROY, K.C.V.O., Clerk of the Privy Council. (London: Wyman and Sons. 1910. Pp. xiii, 903.)

THE third volume of the Acts of the Privy Council, colonial, covers the period from 1720 to 1745, though the editorial plan of throwing into sections all entries relating to a single subject has involved the inclusion of occasional extracts dating as late as 1756. As regards execution the work shows no departure from the plan adopted for the previous volume and includes the usual valuable appendixes. The necessity of completing the undertaking within the allotted number of six volumes has led to rigid condensation in some instances, and it is impossible to say, without access to the original text, how wisely this editorial privilege has been exercised. There are a few cases in which references are given to matters concerning which fuller knowledge would be welcome, as, for example, on page 581, where the committee report of July 4, 1745, on the Clark *v.* Tousey case, is mentioned but not given; on pages 608-609, where McCulloh's memorial is referred to by title only; on page 723, where an entry concerning an appeal from a decree of the Jamaica chancery court is omitted, though it contains "a long account of the case". Probably the editor has excellent reasons for these omissions, but a word of explanation would have been useful in quieting doubts. On the other hand, there appears in the volume a little that might have been omitted. The pension cases of the widows of sea-captains, whose deaths involved the mention of a colony, and the entries contained in appendix IV., which do not relate to the colonies at all, hardly seem worthy of inclusion. At most, however, they cover but three or four pages.

The value of the volume in disclosing the procedure and activities of the Council during a period when colonial affairs have not been deemed exigent is very great. By 1720 the colonial business of the Privy Council had settled down into a fairly fixed routine. It consisted of debate and consequent report on petitions and grievances, appeals and petitions for leave to appeal from colonial courts, appeals from vice-admiralty courts, colonial acts, colonial boundaries, fees, embargoes, requests for ordinance, and commissions and instructions for the governors. Little else came before the Council, as British administration was becoming largely departmental in character, and business was referred to the Board of Trade (the reports and representations from which number here little less than one hundred and fifty), the Admiralty, the Treasury, the Master General of Ordnance, the Commissioners of Customs, the Secretary at War, and the Attorney-General and Solicitor-General. The replies of these referees were generally embodied in Orders in Council, but the reader will be surprised at the frequency with which the Council as committee debated and altered these reports, sent them back for further consideration and additional information, or dispatched them to other bodies and individuals for examination and further report.

In fact, during these years the committee acted with something of the vigor of a department. The Privy Council, as such, may have been

only a registering body, but as committee it was no mere legal machine. It received references from the Council, the Secretary of State, and other sources; some of these it handed on, but many it decided on its own initiative. It called in witnesses, deponents, and counsel, heard plaintiff and defendant through their agents or lawyers, sent elsewhere, it may be, for information, but in the end made its own report to the Council. Appeals from colonial and admiralty courts, involving points of law, never went beyond the committee, and questions regarding military matters and the like were generally acted on without reference. Some of the reports of the committee are elaborate documents, and unless we believe that they were the work of the permanent staff as were many of the reports of the Board of Trade, we must conclude that the committee devoted much time and diligent attention to their consideration. It is true that the committee took its own time about the business before it; it is also true that much business apparently never got finished at all, if we are to judge from the number of cases here recorded regarding which no decision was reached; but slackness and ineffectiveness was characteristic of administration generally at this time and particularly characteristic of colonial administration. The fee system, the messenger service, the lack of departmental co-ordination, the low sense of public duty, the difficulties of communication, and the habit of giving a referee plenty of time in which to make an answer, all contributed to this end.

Appeals from colonial courts and troubles about colonial boundaries occupy much space in this volume, but of equal moment were decisions regarding colonial laws and the framing of instructions to colonial governors. It is noteworthy that the word "veto" was never used for the disallowance or repeal of colonial legislation, and it should not be used by scholars to-day. The royal act was not a veto. We notice also that some of the colonial acts were never passed upon by the Board of Trade but were considered by the committee and the crown lawyers only. The number of disallowances here entered is large, larger than is recorded in the previous volume, and it is evident that the system of repeal did not reach its full development until well on in the eighteenth century. From the entries here given it is impossible to believe that the royal disallowance was ineffective. Indeed it must have been not only effective but salutary. Regarding the instructions, we are impressed with the important part which the committee played in shaping these documents. It originated many, amended others, sent a number back to the Board of Trade for revision, accepted protests and made changes, and that, too, often despite the opinions expressed by the Board of Trade.

Perhaps the most important conclusion to be derived from the entries in this volume is the manifest powerlessness of the Privy Council in the presence of a determined resistance of the colonies. The movement toward colonial independence of the royal prerogative went steadily on. The royal mandate did not always compel obedience and the British government was not inclined to a policy of coercion. The one feature of this evidence that is most significant is the growing power of Parliament.

When Order in Council and governor's instruction prove of no avail then Parliament had to be invoked. "If [the colonists] shall neglect or refuse [his Majesty's measures] then this said governor do immediately inform his Majesty thereof that the same may be laid before the parliament of Great Britain" (p. 472). A great turning point not only in British constitutional history but in British colonial administration is indicated by these words.

CHARLES M. ANDREWS.

The Revision and Amendment of State Constitutions. By WALTER FAIRLEIGH DODD. (Baltimore: Johns Hopkins Press. 1910. Pp. xvii, 350.)

THIS is a very valuable monograph. It will be of great aid to all members of constitutional conventions and to every student of constitutional law. The author has stuck closely to his theme and has resisted the temptation to attract miscellaneous readers by a history of the events that caused constitutional conventions prior to the American Revolution, by any reference to the French convention, or by a description of the dramatic incidents connected with the Rhode Island Convention of 1841 and the Missouri Convention that sat for two years during our Civil War. The conclusions drawn by him are sane and conservative. He is no disciple of Judge Jameson, whose work on constitutional conventions he cites with perhaps too much respect. That book was not written from the standpoint of a judge or of a scholar. It was a political tract, originally composed to oppose certain opinions expressed in the Illinois Convention of 1862, which, it was thought, endangered the cause of the North. Although Judge Jameson and his political allies then succeeded in preventing that convention, of which he was not a member, from setting a new constitution into operation without its approval by a vote of the people, the people of other states have since then acquiesced in the exercise of such power by conventions upon ten or more different occasions, and this had been done several times before. He wished to combat the doctrine that a constitutional convention was subject to no restraint, but had the same powers as an ancient folksmeet, such as still assembles on the Isle of Man and in some Swiss cantons, or as the Parliament of Great Britain. This theory had been, until then, generally accepted, and has much support in history, and reason as well as precedent; although, of course, a state convention is necessarily subject to the limitations of the federal Constitution. (New Orleans Gas Light Company *v.* Louisiana Gas Light Company, 115 U. S., 650; this case is not cited by Mr. Dodd, who, however, has collected in a note to page 93 a few decisions of the state courts upon this point and also refers to Cooley's *Constitutional Limitations.*) The historian Bancroft and Judge Marcus Morton, when governor of Massachusetts, seem to have been of the opinion that otherwise its powers were boundless. In attacking this, Jameson, like most advocates, steered for the opposite pole and took the position that